

REMARKS

In response to the Office Action dated February 19, 2009, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 45-49, 51-60, and 62-66 are pending in this application.

Rejection of Claim 66 under § 112

The Office rejected claim 66 under 35 U.S.C. § 112, first and second paragraphs. Claim 66 recites “*presenting a targeted content item when the targeted content item is associated with a zone improvement plan.*” Support may be found at least at page 22, lines 7-8 (explaining “is particularly relevant to broadcast TV in which the head-end of the cable service provider may send content to everyone within a particular zip code”). The Assignee, then, respectfully submits that claim 66 fully complies with 35 U.S.C. § 112.

Rejection of Claims under § 101

The Office rejected claims 45-55 under 35 U.S.C. § 101 for claiming non-statutory subject matter. These claims have been amended to fully comply with § 101.

Rejection of Claims 45-66 under § 102 (e)

The Office rejected claims 45-66 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,327,574 to Kramer, *et al.*

Claims 50 and 61 have been canceled, so the rejection of these claims is moot.

Remaining claims 45-49, 51-60, and 62-66 are not be anticipated by Kramer. These claims recite, or incorporate, features that are not disclosed or suggested by Kramer. Independent claim 45, for example, recites “*storing the multiple data streams in memory of the*

client device.” Support for such features may be found at least at page 10, lines 23-29. Independent claims 56 and 66 recite similar features.

Kramer does anticipate these features. *Kramer* discusses how content is selected to appeal to a profile. *Kramer*, for example, describes a webpage that may be customized according to the profile. See U.S. Patent 6,327,574 to *Kramer, et al.* at column 8, lines 15-23. HTML tags are included in the webpage, and *Kramer* evaluates the tags to the profile to produce content options. See *id.* at column 8, lines 24-35. *Kramer* then chooses the option “with the highest degree of appropriateness.” *Id.* at column 8, lines 35-40. *Kramer* also describes multiple, tagged television commercials that are compared to the profile for appropriateness. See U.S. Patent 6,327,574 to *Kramer, et al.* at column 9, lines 45-53. Still, though, *Kramer* fails to teach or suggest “*storing the multiple data streams in memory of the client device.*”

Independent claims 56 and 66 recite even more distinguishing features. Independent claims 56 and 66, for example, recite “*storing and organizing the multiple data streams in the memory as categories of advertising, games, and movies.*” Support for such features may be found at least at page 11, lines 1-6. *Kramer* also fails to teach or suggest these features.

Kramer, then, cannot anticipate claims 45-49, 51-60, and 62-66. Independent claims 45, 56, and 66 all recite distinguishing features. Their respective dependent claims incorporate these same distinguishing features and recite additional features. *Kramer*, then, cannot anticipate claims 45-49, 51-60, and 62-66. The Office is thus respectfully requested to remove the § 102 (e) rejection of claims 45-49, 51-60, and 62-66.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scottt@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. P. Zimmerman". The signature is stylized with large, sweeping loops and a prominent vertical stroke through the middle.

Scott P. Zimmerman
Attorney for the Assignee
Reg. No. 41,390